

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

562M0376

HOUSE BILL NO. 1065

Introduced by: Representatives Van Etten, Cutler, Gillespie, Hackl, Haley, Hennies, Hunt, Jensen, Michels, Murschel, O'Brien, Roberts, Sebert, Tornow, and Van Norman and Senators Duenwald, Abdallah, Broderick, Duniphan, Gray, Hanson (Gary), Koskan, Lintz, Moore, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to extend immunity to certain directors, trustees, and
2 officers of certain nonprofit corporations and to members of certain advisory boards.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 47-23-2.1 be amended to read as follows:

5 47-23-2.1. No director, trustee, or officer serving without compensation, other than
6 reimbursement for actual expenses, of any corporation organized under this chapter or under
7 similar laws of another state, and which is exempt from taxation pursuant to Section 501(a) of
8 the Internal Revenue Code, 26 U.S.C. Section 501(a) and is listed as an exempt organization in
9 Section 501(c) of the Internal Revenue Code, 26 U.S.C. Section 501(c), ~~as amended~~, or any
10 hospital organized pursuant to chapter 34-8, 34-9, or 34-10 is liable, and no cause of action may
11 be brought, for damages resulting from the exercise of judgment or discretion in connection
12 with the duties or responsibilities of such director, trustee, or officer while acting in ~~his~~ an
13 official capacity as such director, trustee, or officer, unless the act or omission involved willful
14 or wanton misconduct. The immunity provided by this section applies to any member of an



1 advisory board of any corporation described by this section.